

REMARKS

Claims 1-41 were pending in the application. By virtue of this amendment, claims 19-22 have been cancelled without prejudice or disclaimer, and new claims 104-128 have been added. Accordingly, claims 1-18; 23-41 and 104-128 are presently pending. Claims 1-41 were previously rejected under the doctrine of obviousness-type double patenting.

Double Patenting

Presently pending claims 1-18 and 23-41 stand rejected under the doctrine of obviousness-type double patenting over claims 1-26 of co-owned U.S. Patent No. 6,013,453.

In response, and solely for the statutory purpose of removing this rejection, (MPEP 804.02.II), a Terminal Disclaimer over U.S. Patent No. 6,013,453 is attached. Accordingly, this rejection can be withdrawn.

New claims

New claims 104-128 have been added. Support for the newly-added claims is found, for example, at column 7, line 64 through column 8, line 6; column 8, lines 12-16; column 9, lines 36-38; column 30, lines 13-17; column 30, lines 24-42; Example 3 (columns 25-30, which describes modulation of expression of chromosomal and extrachromosomal genes) and Example 5 (columns 31-32, which discloses a sequence of interest comprising a point mutation).

All of these new claims ultimately depend from, and therefore contain all the limitations of, claim 14.

CONCLUSION

Applicants thank Examiner McKelvey for his participation in a personal interview on February 19, 2004. As a result of the interview, the undersigned believes that all remaining issues have been addressed and that pending claims 1-18, 23-41 and 104-128 are in condition for reissue.

The Examiner is invited to telephone the undersigned if he believes that a discussion would expedite the disposition of this application.

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